

STEVEN W. KLEINMAN, ESQ.

Nutley, NJ 07110

June 19, 2007

VIA FEDERAL EXPRESS OVERNIGHT

Office of the Secretary
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

RE: **FEC Complaint/Aronsohn Congressional Exploratory Campaign**
MUR No.: 5693

To whom it may concern:

I am representing Paul Aronsohn, Parisa Sabeti and Paul Aronsohn for Congress, f/k/a the Aronsohn Congressional Exploratory Campaign, (hereinafter, "Respondents"), in the above-noted matter presently before the Federal Election Commission. Enclosed please find an original and ten copies of Respondents' brief. Please mark one copy of the brief "filed" and return in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions with respect to the foregoing.

Very truly yours,



STEVEN W. KLEINMAN, Esq.

Encl.

cc: Roy Luckett, Esq., Office of General Counsel (w/three copies of brief)
Paul Aronsohn

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Paul Aronsohn)
Paul Aronsohn for Congress f/k/a/) MUR 5693
Aronsohn Congressional Exploratory)
Campaign and Parisa Sabeti, in her official)
capacity as Treasurer)

**BRIEF OF RESPONDENTS PAUL ARONSOHN, PAUL ARONSOHN
FOR CONGRESS F/K/A ARONSOHN CONGRESSIONAL EXPLORATORY
CAMPAIGN AND PARISA SABETI IN HER OFFICIAL CAPACITY
AS TREASURER**

Respondents Paul Aronsohn, Paul Aronsohn for Congress f/k/a/ Aronsohn Congressional Exploratory Campaign and Parisa Sabeti, in her official capacity as Treasurer of Paul Aronsohn for Congress¹ (collectively, "Respondents"), submit this brief in opposition to the General Counsel's recommendation of a finding of probable cause that Respondents violated various provisions of the Federal Election Campaign Act of 1971 ("Act"), 2 U.S.C. §431 *et seq.*

I. INTRODUCTION

This matter arises from a politically-motivated complaint filed by Dorethea Anne Wolfe in November 2005, alleging that Respondents violated the Act during the 2006 Congressional election cycle. At the time, Ms. Wolfe was opposing Mr. Aronsohn in the Democratic primary for New Jersey's Fifth Congressional District and thereafter used the filing of her complaint to promote her candidacy. A second complaint, based on the same facts, was filed by Nancy A. Reese in February 2006 and initially assigned docket number MUR 5704, but was merged into MUR 5693 on October 26, 2006.

¹ Ms. Sabeti became Treasurer of the Committee on February 16, 2006, after all of the events relevant to this matter transpired. It is understood that she is named in her official capacity only and that the General Counsel has made no claim of any sort of personal culpability on her part.

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On May 16, 2007, the General Counsel recommended that the Commission find probable cause that Respondents violated various reporting provisions of the Act² during the period while Aronsohn was "testing the waters" for his potential Congressional candidacy pursuant to 11 C.F.R. §100.72(a) and 11 C.F.R. §100.131(a). Specifically, the General Counsel claims that a single fundraising solicitation letter in October 2005, and a single press release issued a few days later, both clearly indicating the exploratory nature of the Aronsohn campaign at that time, demonstrated that Mr. Aronsohn had decided to run for federal office, thus triggering the reporting requirements for a candidate under the Act. Mr. Aronsohn filed his Statement of Candidacy with the Commission on January 23, 2006, over nine months before the 2006 General Election, and thereafter properly reported all of his contributions and expenditures while "testing the waters." Once examined in the context of the entire factual record, it is clear that Mr. Aronsohn was still "testing the waters" until January 2006. Accordingly, the General Counsel's position is entirely without merit and this matter should be closed.

II. STATEMENT OF FACTS³

In April 2005, Respondent Paul Aronsohn decided to explore the possibility of running for Congress from New Jersey's Fifth Congressional District. The Fifth District includes parts of Sussex, Warren, Passaic, and Bergen Counties in the northern part of the state. From the outset, Aronsohn recognized that he would face formidable challenges as a non-incumbent Democratic candidate for Congress in the Fifth District. Almost all of the District is generally recognized to lie within the New York City media market,

² Specifically, 2 U.S.C. §432(c)(1), 2 U.S.C. §433(a) and 2 U.S.C. §434(a)(2). All of these alleged violations involve missing reporting deadlines, which would not be triggered if Mr. Aronsohn properly was "testing the waters," as he contends.

³ These facts were set forth by Mr. Aronsohn personally in his initial response to the Commission.

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making it one of the most expensive places to run for public office in the United States. The District was represented by a two-term Republican incumbent, Scott Garrett, and prior to that, had been represented for over twenty years by Republican Marge Roukema. During the last round of redistricting, in 2001, the Fifth District was redesigned to further protect a Republican incumbent. See Ron Marsico, *Incumbents like new congressional map; Redistricting focuses on getting members re-elected to build up N.J. House seniority*, THE STAR-LEDGER, October 27, 2001 at 11.

Congressman Garrett had first been elected in 2002, garnering almost 60% of the vote against a Democratic opponent. He was re-elected in 2004, handily defeating the Complainant in this matter, Anne Wolfe, 57.6% to 41.1%. During the 2004 election cycle, FEC records indicate that Congressman Garrett raised over \$1,260,000, while Ms. Wolfe raised approximately \$490,000 in defeat. As of September 30, 2005, a year prior to the election, Congressman Garrett had over \$238,000 cash on hand. Mr. Aronsohn was well aware of all of these facts as he contemplated a campaign for Congress against Mr. Garrett, and decided to first "test the waters" to determine whether he could raise sufficient resources to be a viable candidate for office. Mr. Aronsohn made this decision in April 2005.

From the outset, as Mr. Aronsohn has previously explained, he took numerous precautions to ensure that he did not run afoul of the Commission's "testing the waters" provisions. Mr. Aronsohn personally reviewed FEC informational materials and spoke with several individuals knowledgeable in Federal election law. Additionally, he traveled to Washington, D.C. to meet in person with a Commission representative. Mr. Aronsohn scrupulously maintained records of his contributions and expenditures while "testing the

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waters" in accordance with the Commission's requirements, and there is no dispute that he disclosed all of these contributions and expenditures following his official declaration of candidacy. Most importantly, in all of his communications, including those at issue here, Mr. Aronsohn prominently underscored the exploratory nature of his campaign, and no one contemporaneously reviewing these communications could have possibly been confused as to this critical fact.

It is only two of Mr. Aronsohn's communications that the General Counsel believes go beyond the "testing the waters" exception.⁴ The first communication was a fundraising solicitation letter dated October 27, 2005. The top of the letter states, in large bold print, "Paul Aronsohn Congressional Exploratory Campaign." Mr. Aronsohn then states, again in bold, that "I have launched a Congressional Exploratory Campaign, and I am writing to ask for your support." Mr. Aronsohn then briefly writes about Congressman Garrett and his own qualifications for office, and requests that the reader make a contribution to his exploratory campaign. Notably, at the bottom of the first page of the letter, Mr. Aronsohn indicates that his campaign is exploratory in nature for a third time.

The other communication at issue is a press release issued on or about November 1, 2005 and posted on Mr. Aronsohn's website. This press release again clearly states at the outset that it has been issued by Mr. Aronsohn's "Congressional Exploratory Campaign," and further notes that it is paid for by the Exploratory Campaign. The General Counsel cites Mr. Aronsohn's statements favorably comparing his fundraising success at that point to that of the Complainant during the 2004 election cycle,

⁴ The complaints also made other allegations, such as the overall amount raised by Mr. Aronsohn while an exploratory candidate, and the fact the exploratory committee maintained a website, but the General Counsel has not indicated that any of these actions were improper in any way.

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whereupon Mr. Aronsohn concludes "...we are ahead of the curve and moving forward...fast." These statements, however, do not make any sort of clear declaration or statement of candidacy. Thereafter, Mr. Aronsohn continued to proceed in the belief that he was still "testing the waters." See Karen Keller, *Former McGreevey aide touted for House*, THE RECORD, December 14, 2005 at L2 ("Aronsohn has not decided whether to run next year for the 5th Congressional District seat...But Aronsohn indicated he would make a decision 'within a few weeks'" (copy attached hereto as Exhibit A). On January 23, 2006, Mr. Aronsohn filed his initial Statement of Candidacy with the Commission. On February 16, 2006 Paul Aronsohn for Congress filed its initial Statement of Registration, and in April 2006 the campaign filed a Quarterly Report properly disclosing all contributions and expenditures up to that point in the Aronsohn campaign, including during the period while Mr. Aronsohn was "testing the waters."

III. LEGAL ARGUMENT

By finding reason to believe that Mr. Aronsohn has violated the Act under the foregoing circumstances, the General Counsel has imposed a standard that renders the "testing the waters" exception nearly useless. The General Counsel does this here by taking a few of Mr. Aronsohn's individual statements completely out of context, rather than reviewing the challenged communications in their entirety. If the General Counsel's recommendation to find probable cause is sustained, it will have a dramatically negative effect on the ability of exploratory candidates to raise sufficient funds to determine the viability of their potential candidacies, since any statement deemed advocacy by the Commission - no matter the circumstances - will be deemed a declaration of candidacy. It will have a chilling effect on the fundraising efforts of exploratory candidates, since

they will no longer have the ability to effectively communicate why a donor should contribute to their exploratory campaign out of fear of violating the Act.

When objectively reviewing the challenged communications in their entirety, it is apparent that Mr. Aronsohn properly disclosed the exploratory status of his campaign at all times. Moreover, Mr. Aronsohn subjectively believed he was not a candidate, as evidenced by his decision to abide by the many "testing the waters" restrictions until his declaration of candidacy in January 2006. No allegation has ever been made that Mr. Aronsohn violated the "testing the waters" rules between the dates of the two disputed communications (made within a few days of each other) and when he declared his candidacy several weeks thereafter.

The "testing the waters" exception was established by two Commission regulations, 11 C.F.R. §100.72(a) and 11 C.F.R. §100.131(a). These regulations provide that funds received and payments made solely for the purpose of determining whether an individual should become a federal candidate are deemed not to be "contributions" or "expenditures" as defined by the Commission. Accordingly, any such contributions or expenditures are not counted towards the \$5,000 threshold for determining whether an individual meets the definition of a "candidate" under 11 C.F.R. §100.3, thus triggering the requirement to file a Statement of Candidacy and regular campaign reports thereafter. One of the well-recognized purposes of the "testing the waters" exception is to provide potential candidates with the ability to determine whether they can amass sufficient funds to effectively challenge their opponents, should they decide to run.

The General Counsel's brief refers to only two examples where the Commission found that the line between testing the waters and candidacy had been crossed due to

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statements made by the candidate, MUR 5251 (Friends of Joe Rodgers) and MUR 2262 (M.G. (Pat) Robertson). Yet, a closer review of these matters demonstrates exactly why Mr. Aronsohn has not violated Commission regulations. In Joe Rodgers, the Commission found a violation with respect to a solicitation letter sent out by Mr. Rodgers, who was a candidate for Congress from Colorado during the 2002 election cycle. In Mr. Rodgers' three-page, single-spaced letter, dated November 19, 2001, (copy attached hereto as Exhibit B) at no time does Mr. Rodgers ever indicate that his campaign was exploratory in nature. In fact, the word "exploratory" is not used - even once - in the entire communication. A reader reviewing this letter would have *no idea whatsoever* that the Rodgers campaign was exploratory in nature, and almost certainly would reach the opposite conclusion. Contrasting this letter with Mr. Aronsohn's letter, which in less than half the length boldly indicates that he is still exploring his candidacy three times, it is obvious that the two communications cannot be remotely compared.⁵

Furthermore, nowhere in his letter does Mr. Aronsohn explicitly state that he is running for office. At most, he states that "I am ready to begin fighting for our future...now." The General Counsel, reading tea leaves, concludes that this is an explicit statement of candidacy, but this is far from apparent even when taken out of context, and is simply not the case when viewed as part of the letter as a whole. Cf. MUR 5363 (Alfred Sharpton), where the Commission found reason to believe Rev. Sharpton violated the Act because made statements in a book unequivocally referring to himself as a candidate for President (the title of Chapter One was "Mr. President") and appeared at

⁵ Notably, the General Counsel recommended only that the Rodgers campaign be admonished for this violation of the Act, and that no further action be taken.

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various forums for Presidential candidates, actions far more explicit than those undertaken by Mr. Aronsohn.

With respect to the November 1, 2005 Aronsohn Exploratory Committee press release, the General Counsel's logic is even weaker. There, the General Counsel concludes that it is impermissible for a potential candidate "testing the waters" to make even the most innocuous statements of comparison to a previous candidate for the same office. The statement at issue, "we are ahead of the curve and moving forward...fast," does not, especially in context, indicate any sort of definite intention to run for office. Rather, it simply indicates an effort to show that Aronsohn could be a viable candidate if he chose to run for office, in an attempt to raise additional funds for the exploratory effort.

The Commission has previously explained that context is critical in determining when a potential candidate is no longer "testing the waters" and must register as a candidate. See AO-1981-32 (stating that when activities "take place in a factual context indicating that [the candidate] has moved beyond the deliberative process of deciding to become a candidate..." then the candidate is no longer "testing the waters" and that "activities [] will fall outside the testing the waters exception if they, in context, represent the establishment of a campaign organization"). See also, the General Counsel's Report in MUR 2262 at page 4 (March 11, 1988)(explaining that any "testing the waters" activity is "to be judged in the overall context of other activities and statements of the potential candidate and his or her representatives").

When viewed in the required context, MUR 2262 presents even more dramatic evidence that the General Counsel has overreached in the instant matter. In that case, as

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the General Counsel explained, the Rev. Pat Robertson, in a nationwide broadcast, announced that if he received the political, moral and financial support of three million Americans within one year, then he would run for President. The broadcast consisted of numerous individuals expressing their support for Rev. Robertson, including many specific endorsements of his candidacy. Rev. Robertson gave a thirty-minute speech, complete with bands playing and choirs singing. Well over 125,000 persons viewed the broadcast, which cost \$4.2 million and raised in excess of \$2.3 million. As the General Counsel explained, "[t]his large scale public contact is precisely the type of activity which the Commission cautioned would be evidence of a purposeful active effort to gain political benefit which would fall outside the scope of testing the waters." General Counsel's Brief in MUR 2262 at page 9 (November 20, 1987). Thereafter, Rev. Robertson mailed two fundraising letters and one invitation/thank you letter package to over 1.5 million people. The particular letter cited by the General Counsel here (copy attached hereto as Exhibit C) uses the word "exploratory" only once, in regular type buried in the seventh paragraph, while repeatedly referring to Robertson's "decision" to "go for it." Reviewing Rev. Robertson's activities as a whole, the Commission understandably supported the General Counsel's position that "a mailing of such large scale, sent in conjunction with a public broadcast of a partisan nature, constitutes general public political advertising designed not merely to determine the feasibility of a candidacy, but instead to promote a candidate..." *Id.* at 11.

Incredibly, in its brief here, the General Counsel fails to discuss these critical contextual facts, suggesting that the only reason the Commission found probable cause in MUR 2262 was only because Rev. Robertson stated that he was "ready to go for it" in his

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solicitation letter - something that was barely even mentioned in the General Counsel's arguments in that matter. In fact, the General Counsel's arguments repeatedly emphasized looking at "the entire picture." See General Counsel's Report in MUR 2262 at page 4-5. Looking at the "entire picture" with respect to Mr. Aronsohn demonstrates vast differences between his conduct and that of Rev. Robertson. Mr. Aronsohn has stated to the FEC that sent the disputed letter to individuals in his own personal Rolodex along with a limited number of additional names provided directly to him by personal friends. The letter used the word "exploratory" in three separate places, each time in a prominent location. There was no coordinated media effort designed to raise public awareness of the Aronsohn campaign, except perhaps for the November 1, 2005 press release posted on Aronsohn's website, which is not defined as a "political communication" under 11 C.F.R. §100.26. Nor has it been alleged that there was any general public political advertising effort of significant scope.

Recently, the General Counsel found no reason to believe that the Act was violated in circumstances where a Republican candidate for U.S. Senate printed professional-quality biographical literature for wide distribution, which included the slogan "Fresh New Leadership" and photographs of the prospective candidate with former Presidents Reagan, George H.W. Bush and George W. Bush. MUR 5661 (Keith Buller). The literature even attached a news article stating that it was believed that the candidate was "in" the race and quoted the candidate as stating "she [his prospective opponent] is indeed vulnerable...ask 100 people to name what she has done." Id. It is hard to discern any significant distinction between that case, where the General Counsel found no violation of the Act, and the present matter. In fact, it appears from a review of

the questioned literature (copy attached hereto as Exhibit D), Mr. Butler never indicated that he was an exploratory candidate except on the very last page in small print beneath his campaign logo. It cannot fairly be disputed that Mr. Aronsohn's communications did so far more prominently.

In sum, the General Counsel argues that a potential candidate must self-censor his communications to the point where he cannot make the very statements -- such as to the viability of a potential candidacy -- necessary to convince prospective donors to contribute their hard-earned money. Yet, in an expensive media market against an entrenched incumbent, determining whether fundraising efforts will be able to raise sufficient resources to run is arguably the far most critical component of an exploratory campaign. The General Counsel's position raises a serious question as to whether fundraising efforts -- which are expressly allowed while "testing the waters" -- will truly be possible on any substantial basis without violating the Act. Moreover, the General Counsel's actions here raise a serious question as to whether the "testing the waters" regulations, at least as applied here, are impermissibly and unconstitutionally vague. Mr. Aronsohn was not given, in the words of the Supreme Court, "a reasonable opportunity to know what was prohibited," Grayned v. City of Rockford, 408 U.S. 104, 107 (1972), in that he believed by clearly and unambiguously indicating the exploratory nature of his campaign, he could still encourage contributions to his exploratory efforts through carefully-crafted advocacy without going beyond the understood limits of the "testing the waters" exception. It is undisputed that Mr. Aronsohn never explicitly stated in the two communications (or at any other time during his exploratory efforts) that he was a declared candidate for federal office. Yet, the General Counsel has determined that Mr.

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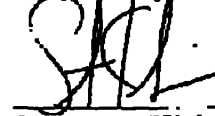
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Aronsohn's candidacy was established by a few vague statements, such as that Mr. Aronsohn was "prepar[ing] for [a] fight against Scott Garrett." This standard is neither "easily understood" nor "objectively determinable," McConnell v. Federal Election Commission, 540 U.S. 93, 194 (2003), and must be rejected by the Commission.

IV. CONCLUSION

For the foregoing reasons, the Commission should reject the General Counsel's recommendation to find probable cause and should dismiss the matter expeditiously.

Respectfully submitted,



Steven W. Kleinman, Esq.

Nutley, NJ 07110

Attorney for Respondents

Dated: June 15, 2007

EXHIBIT A

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Former McGreevey aide touted for House

Wednesday, December 14, 2005

By KAREN KELLER
HERALD NEWS

FRANKLIN LAKES - New Jersey Democrats gathered at a fund-raiser Tuesday night designed to propel Paul Aronsohn, the former communications director for former Gov. James E. McGreevey, to Congress.

The star guest of the evening was New Mexico Gov. Bill Richardson, who has been mentioned as a possible Democratic presidential candidate in 2008.

Richardson portrayed Aronsohn as a Democrat who has been successful in Republican territory.

"He's the only Democrat at Pfizer where there are 9,000 Republicans," Richardson said with a laugh.

Aronsohn has not decided whether to run next year for the 5th Congressional District seat against two-term incumbent Rep. Scott Garrett, R-Wantage. But Aronsohn indicated that he would make a final decision "within a few weeks."

The event attracted about 50 local elected officials, community activists and campaign supporters.

Aronsohn has already amassed \$100,000 in campaign funds, according to spokesman Adam Green.

Richardson, whose mother was Mexican and father was American, is a Democratic governor in the Southwest - a region some say is key to Democrats taking back the White House. He served in Congress for 15 years, was later U.S. ambassador to the United Nations and secretary of energy under President Bill Clinton. Richardson has been governor of New Mexico since 2003.

Some people at the fund-raiser said they felt Richardson would make a solid candidate in the Democratic primaries.

"He certainly has all the goodies in his background," Ron Verdicchio, a Bergen County resident and professor at William Paterson University, said of Richardson's background in public service.

Garrett is a conservative Republican who served in the state Assembly from 1990-02. He supported the Bush administration tax cuts and helped pass a law to protect the Highlands region.

Aronsohn is currently a public affairs officer at Pfizer. He served in the Clinton administration State Department.

Garrett beat Anne Wolfe of Mahwah in 2004 by a 58-42 margin.

"As a pro-business, pro-defense, moderate Democrat, I believe I can connect with the majority of voters in this district," Aronsohn said.

The 5th District covers Warren County and parts of Passaic, Sussex and Bergen counties.

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EXHIBIT B

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JOE ROGERS

November 19, 2001

Dear Eric:

Hello!

I've been Lt. Governor for almost three years now and I want to take a moment to thank you for helping me get here. I also want to ask you for your help as I take a new direction in public service.

When I look back to that hard-fought primary in 1998 and think of all the great people who helped me pull through and win the nomination for this office, my heart swells with joy and gratitude for everyone who helped with their contributions. With your help, I won that primary election carrying 92% of Colorado's counties!

Juanita Kay and I are especially grateful for all you did to help elect me Lt. Governor of Colorado.

Now, it's three years later and although there were some tough times along the way, it's been a good three years.

Eric, think back with me to early 1999 when Governor Bill Owens and I were still new in our offices and terror struck Columbine High School. I was proud to have stood with him to provide comforting leadership in that time of trouble. However, I am more proud of the strength of community and concern for others Coloradans exemplified in that crisis; we became the model for the rest of the nation on how to deal with catastrophe.

More recently, on September 11th, we've had another catastrophe strike our country and I am proud to have represented Colorado in this crisis. Just days following the terrorist attacks, on behalf of the people of Colorado, I was invited to attend the memorial service in Yankee Stadium in New York City and was present at Ground Zero, a place of overwhelming tragedy and great heroism.

Following on the heels of the terrorist attacks and ongoing threats, I recently called for an even further strengthening of our state's security and preparedness by requesting that Governor Owens create a Colorado Homeland Security Office. On November 8, the Governor did so and as a direct result Colorado will be in a better position to defend our citizens against potential terrorist attacks and chemical and biological threats.

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We've also made great strides in the past three years too.

One of the first projects I worked on was to be the Chairman of the Child Welfare Task Force to improve the lives of Colorado's children.

Then, just last year, we took the unprecedented step of hosting a conference on youth education called "Colorado Uncensored," where we took the time to listen to our children and their ideas on how to improve our schools. The kids were fantastic and shared many great ideas - ideas that have been implemented by many teachers, principals and school districts throughout Colorado. Ideas that I hope all adults will read about in the "Colorado Uncensored" report that is available through my office.

Another opportunity I've had to serve you is on the Colorado Commission on Taxation, where I am working hard to change our tax structure to make taxes fairer, easier and - best of all - lower. I've been honored to have traveled around the country and the world to be a champion for Colorado business and American liberty.

I've also been honored to serve you on a national basis and to continue Colorado's leadership role among the states by being elected by my peers to serve as Chairman of the Republican Lieutenant Governors Association and on the Executive Committee of the National Lieutenant Governor's Association.

Another thing that I am very proud to have accomplished is campaigning throughout the nation (some 15 states) with and for then-Governor of Texas, George W. Bush, and helping him win the presidency. In these times of trouble, I am so glad that he is our Commander-in-Chief and that his leadership has been steady and assured during this time of war.

All of these accomplishments made on behalf of the people of Colorado were wonderfully recognized when I received the coveted *Trumpet Award* from Time-Warner's Turner Broadcasting System earlier this year. The Trumpet Award is presented in recognition of individuals who have made significant contributions to America. Persons who have received the award range from Muhammad Ali, former Supreme Court Justice Thurgood Marshall, Rosa Parks and Lena Horne, to Tiger Woods, Secretary of State General Colin Powell, Nat King Cole and Whitney Houston.

None of this would have been possible had you not supported me three years ago. Thank you, again, for all the support you've given me.

But now times have changed. Our nation faces new challenges and needs people who are prepared to answer those challenges and to step up into higher leadership roles. I am ready and willing to accept that duty, and I need your help to do so.

As you probably already know, because of our state's booming population growth, Colorado will have a new congressional district in next year's elections, giving Colorado seven congressional representatives. I know you want this seat to be won by a Republican with the values you share and with a positive vision for our future. I want to be your new Congressman and need your help to win the seat.

Eric, you have been so gracious to me in donating to my previous campaign. Please, now, take a moment to invest in me once again and send a new contribution for this new campaign.

By now you well know that I am committed to the values of a strong nation; a strong military, education reform and a smaller, more limited government. Also, as a Republican and the highest-ranking African-American statewide elected official in the nation, you know that I am committed to broadening the appeal of the Republican Party and standing with President George W. Bush to protect and build our country.

You also know of my concern about growth and how we must better deal with growth to assure that our neighborhoods, schools and communities do not suffer from poor planning.

I know that I will effectively serve your interests in Congress and that because of the close working relationship with the President and the leadership of Congress that I will immediately work for the benefit of Colorado.

Won't you please fill out the enclosed reply card indicating how you can help my campaign? You've always been there to help me in the past, and now I need you more than ever. Your generous contribution of \$25, \$50, \$100, \$250 or whatever you can afford will go a long way toward guaranteeing our values are represented in Washington.

There is an old adage in politics that says a dollar given to a campaign just before an election is worth only a dollar. But a dollar given early in a campaign is worth TWO dollars to a candidate.

That makes sense. The early contributions are what help candidates get organized so they can run the most effective campaigns. That's why I am asking for your help now, nearly a year before the general election. If you would send your check or complete the enclosed credit card donation form within the next day or two, you will help me jump-start my campaign treasury. Your immediate response this month is very important to my campaign and will go a long way toward accomplishing our goal.

Thank you for the opportunity to serve as Lt. Governor of the Great State of Colorado. And, thank you in advance for your help in this new campaign. With your support I look forward to serving you in the next United States Congress.

All my best!

Very Truly Yours,


Joe Rogers
Lieutenant Governor of Colorado

P.S. Don't forget to complete and return the enclosed card. I'd love to have your advice, so please use the space reserved on your reply. I look forward to hearing from you.

EXHIBIT C

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P.O. Box 37002
Washington, D.C. 20013

Thursday morning

My Dear Friend,

I have made the decision. Now it's up to you.

I am rushing this to you because I want to share with you personally the decision I announced on Wednesday, the 17th.

When at least 3 million registered voters sign petitions committing to pray, to work, and to give toward a campaign effort, I will seek the nomination of the Republican Party as their candidate for the Presidency of the United States.

It was not an easy decision. It was not a quick decision. It was a decision made by a careful, deliberate process over the course of two full years, seeking the wise counsel of godly men and women across this land and other lands as well ... two years of waiting on the Lord, listening to His voice.

It was a decision made in response to tens of thousands of people across America ... What began as a trickle has become a torrent ... Thousands have stood to their feet in city after city, clapping and shouting, urging me -- "GO FOR IT, Pat!"

Respected leaders of major denominations and ministries, men and women of wisdom ... leaders of government, key business and political leaders, and people from every imaginable walk of life: white and non-white, Jew and Catholic, blue-collar and white-collar, European and Asian, farmers and teachers, have all said with virtually one voice,

"We need a leader with your moral convictions and integrity, who believes as we do on the major issues confronting our country, to stand tall as the successor to a great President, Ronald Reagan."

Most important of all, I have made this decision in response to the clear and distinct prompting of the Lord's Spirit. I have walked with the Lord for more than 25 years. I know His voice. I know this is His direction. I know this is His will for my life. I am committed to it.

That is why I have authorized my friends to form "Americans For Robertson," an official exploratory committee, solely to

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determine whether the people of America share my commitment.

Now I need you to make a decision.

I need you to read the enclosed petition very carefully and prayerfully, and if you share my commitment to this course of action, sign your name to it.

Then I need you to support this decision in a tangible way, with a gift of \$100 to Americans For Robertson.

When you take this action, you will demonstrate to me that you want me to run for the Presidency, and that you will support me in this effort. It is a simple, but a very weighty, decision: Do you stand with me?

It is very literally up to you.

You can successfully launch this campaign -- not just a campaign for Pat Robertson, but a campaign to restore America to the traditional values upon which she was founded more than 200 years ago.

If you say "Yes," then sign the enclosed petition, and return it to me immediately along with your financial support.

You know what a challenge it will be: If I am indeed going to "Go for it," we are going to need money, and manpower, and miracles. I trust that the Lord will move through you to provide them.

I need you to do three things: PRAY, WORK, and GIVE.

I'm asking you to pray, work, and give for the dream ... the dream of a new America -- where babies are safe in their mothers' womb ... where criminals are jailed, and the streets are safe for people like you and me ... where the Supreme Court interprets the Constitution instead of rewriting it ... where the Mob-supported pornography and drug trade no longer destroy our children, our families, and the very fabric of our society ... where we eliminate the so-called "progressive education" and return to the quality education which made our nation great ... where people like you can stand proud, be elected to public office, and express the values and principles set out by our Founding Fathers -- without ridicule and persecution.

I am stepping out on your behalf, believing that you are backing me up. I am offering myself as your champion, for the values we hold dear.

My dear wife, Dede, told a major magazine recently, "I don't think any woman who really loved her husband would be happy about

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him running for President." She knows the gravity of this decision. It will mean sacrifice.

I am comfortable -- comfortable with my ministry, my career, my home -- with my children, my grandchildren (including my brand-new first grandson!). It would be much easier for me not to "upset the apple cart." I do not look forward to the whirlwind that a Presidential campaign will bring to my private life.

But, we cannot just live for ourselves. When the call of service comes, we must be ready to obey and serve -- in spite of sacrifice, in spite of anything that might come against us.

I AM READY TO GO FOR IT!

Many have asked me what will become of CBN's ministry if I run for the Presidency. Because CBN is a major communications network, when I become a declared candidate I will have to stop television broadcasting. I will have to leave behind the everyday operations of CBN -- because I want to function with complete integrity, fulfilling the absolute letter of the law.

CBN will be in the Lord's hands -- just where it has always been -- and in your hands, along with the hands of its other capable, godly leaders. The "700 Club" program will continue to minister dynamically to millions, and it will flourish! Recent studies show that far more people are acquainted with the "700 Club" than are acquainted with Pat Robertson. Yet its outreach grows daily -- which confirms my determination from the very beginning to exalt Him, not me, through that program. CBN will be around long after I have passed from the scene for whatever reason.

Pat Robertson is being called to a new task. I AM READY TO GO FOR IT. But it's up to you.

As Dede went on to say in the magazine interview, "If this is what the Lord wants him to do, I won't stand in his way." I know this is what the Lord wants me to do, and because of that, she is standing alongside me -- and I need to know that you will be there also.

Together, we can send a message to Washington, to America, to the world -- a message that we want moral principles applied to government. If we "go for it" together, we will "win" together.

I am ready. I hope you are ready.

Your financial support is very important. If you want me to run to succeed Ronald Reagan as President of the United States, please give a contribution to Americans For Robertson in the amount of \$100 (\$200 per couple). One-half of this amount under federal

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law can be declared as a credit against your income tax bill and, to that extent, in effect, will be paid back to you next spring at tax filing time.

I am boldly asking you to give. I need your signature on the enclosed petition. I need your financial commitment. I need your daily prayers.

This is the greatest opportunity we have ever had to make a real difference for our children and grandchildren. We can win.

Even the toughest political experts in Washington are stunned by our undeniable grassroots support. Credible network television newspeople, newspaper and magazine journalists are reporting the fact, day after day after day, that this effort is credible.

I need you to be a part of it. I absolutely will not attempt it without your solid support.

We are in this thing to win ... we have a Date with Destiny!

I AM READY TO GO FOR IT. Now it's up to you.

May God bless you. I am

Your friend,


Pat Robertson

P.S. Please remember: I will run for the Presidency when three (3) million Americans sign petitions in support of my candidacy. YOUR signature on the enclosed petition is CRUCIAL. Mail it along with your tax-credit contribution of \$100 today.

Thank you again!

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Pat Robertson

Dear Friend,

I want to ask you to join me personally on September 17, at 7:30 pm local time, for what may be our date with destiny.

You have heard and read that tens of thousands of Americans have been urging me to seek the Republican nomination for the Presidency of the United States.

You have heard about the absolutely amazing results of the preliminary delegate selection process in Michigan.

You know that I have been in earnest prayer about this crucial decision, and that I have been seeking the council of wise and godly men and women across America and in other lands as well.

Now the time has come to announce my decision, and I want you with me when I do it.

September 17, 1986, is the 199th anniversary of the signing of the United States Constitution. As our country begins the countdown to the 200th anniversary of the establishment of our government under the Constitution, I will be in Constitution Hall in Washington, D. C. on the evening of September 17.

This historic meeting will be beamed via satellite across America to a number of locations -- one of which will be convenient to your home. This will be a private meeting -- a very special meeting -- when I can open my heart to you and tell you my concerns and my dreams for all of us in this great nation. A time when I can tell you personally my decision about seeking the nomination for the Presidency of the United States.

These ninety minutes will be history making. You

don't want to miss this occasion.

Seats at this meeting will be available by invitation and ticket only. In order that a place be reserved especially for you, I would ask you please to call a toll free number for your reservation. The number is 1-800-343-4300, ext. 700.

As soon as you receive this letter, call to reserve your seats. The phone may be temporarily busy but please keep calling.

What happens on September 17 is not just a decision for Pat Robertson. It is a decision for all Americans. It is a time when we may be given a chance to affect our future as a country, as a people.

Remember, the special number for your reservation:

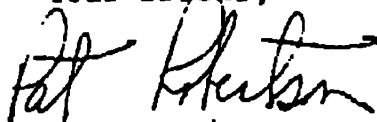
1-800-343-4300, ext. 700

The seating is limited and you don't want to be left out.

I look forward to being with you personally on September 17th.

God bless you, I am

Your friend,



P.S. I will be speaking via satellite from Constitution Hall to locations across America. Please check the enclosed list for the site nearest you and then call for your reservation and tickets to 1-800-343-4300, ext. 700.

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EXHIBIT D

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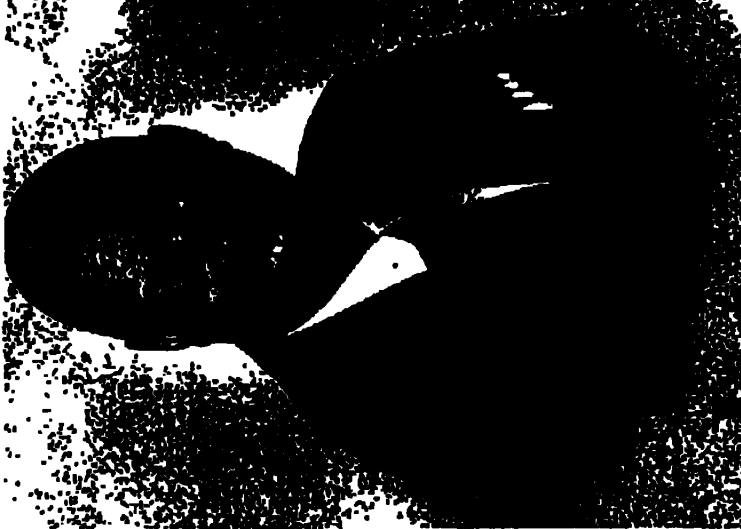
Keith Butler
Fresh,
New Leadership



Paid for by Keith Butler for U.S. Senate Exploratory Committee
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George R. Archer, Jr., Treasurer

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Attachment 3
2 of 4



for Keith A. Butler

In 1984, Rev. Butler ran for the office of Precinct Delegate and won. In that same year, then Republican Party Chairman, Mr. Paul Gadole, appointed Rev. Butler to be the State Chairman of Blacks for Reagan/Bush. Two years later, Rev. Butler served as Statewide Director of the Urban Coalition for Bill Lucas for Governor campaign.

In 1989, Rev. Butler was elected in a city-wide vote to the Detroit City Council; he garnered 43% of the votes in a city of 1.1 million residents. Eighty-

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In 1989, Rev. Butler was elected in a city-wide vote to the Detroit City Council; he garnered 43% of the votes in a city of 1.1 million residents. Eighty-

Rev. Butler was a member of American... Butler was selected to be one of Ten Outstanding Americans for 1989 by the United States Junior Chamber of Commerce and was honored by President George Bush at the White House in the same year.

Rev. Butler has appeared on various political and news programs to discuss the differing political issues facing the national and metropolitan Detroit communities.

MINISTERTIAL
The founding pastor of Word of Faith International Christian Center Church, Rev. Butler is the Senior Pastor of the 21,000 member congregation; he is also the employer of over 200 ministry employees and manages an annual operating budget of over 30 million dollars. The headquarters site sits on 110 acres of land which houses all the ministry's buildings representing over \$40 million in value.

Rev. Butler can be seen on national and local TV and can be heard on various

radio broadcast. He is a contributing writer to The Detroit News, writing editorial commentary on a variety of important issues.

PERSONAL

Rev. Butler was raised from the Tulsa, Oklahoma. In addition, Rev. Butler has received an honorary Doctor of Divinity from Canada Christian College in Theological Studies.

Rev. Butler has been married 29 years to his lovely wife, Deborah L. Butler. They have three children who now serve with them in the ministry: Pastor & Mrs. Keith A. Butler II, Minister Michelle Butler, and Minister Kristina Butler. The Butler family resides in the metropolitan Detroit area.

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Keith Butler

has been asked to give advice to our Presidents on a variety of issues.



Clockwise from top: Keith Butler with President Ronald Reagan; Keith Butler and President George H.W. Bush; Keith Butler with President George W. Bush; Keith Butler around White House conference table with President George H.W. Bush discussing policy issues (middle).

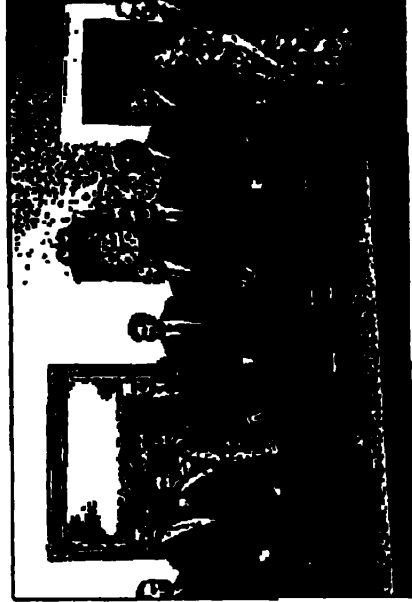
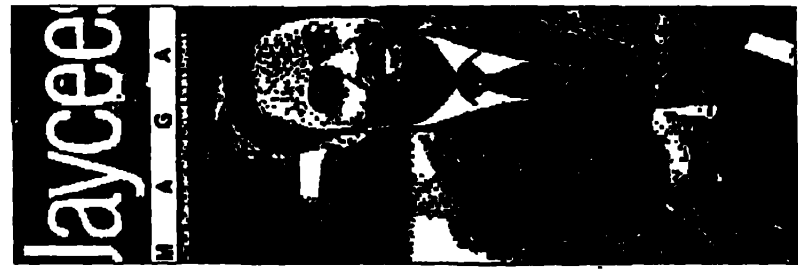
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Keith Butler

served a four-year term (1989 - 1993) on the Detroit City Council.



Attachment 3
3 of 4



Clockwise from top: Cover of *Charisma* Magazine after elected to Detroit City Council; Former Congressman Butler presenting city council testimonials reelecting Keith Butler on the cover of the *Ajayece* Magazine after being selected as one of Ten Outstanding Americans for 1989 by the United States Junior Chamber of Commerce; Keith Butler with President for 1989 as co-moderator for Ten Outstanding Americans for 1989 (forth from right).

The Detroit News Metro

Sunday, January 2, 2005

Pastor considers Senate run

Church founder and GOP-backer the Rev. Keith Butler
-is sights on Stabenow's seat-

By George Weeks/The Detroit News

"The Rev. Keith A. Butler, a former Detroit councilman who has helped Republican candidates for governor and president, is considering running against first-term U.S. Sen. Debbie Stabenow in 2006.

Butler, founding pastor of the Southfield-based Word of Faith International Christian Church, received a standing ovation at the conclusion of a New Year's Eve service upon informing his congregation that he is forming an exploratory committee for a possible challenge of Stabenow.

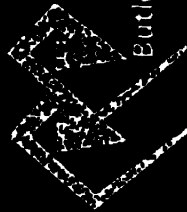
"She is indeed vulnerable," Butler, 49, said in an interview. "Ask 100 people to name what she has done. They can't say what she brings to the table. Our state needs more assistance from Washington."

"Republican National Committee member Chuck Yarb, who was among party leaders contacted by Butler, said Saturday we have a raft of prospective challengers, but he believes Butler 'is in, no matter who runs. He's conservative and formidable. He's not well-known statewide, but he's a proven vote-getter in Detroit."

A rare Republican on the City Council, Butler was elected in 1989 to a four-year term.

Butler was an adviser on urban matters for the 1982 gubernatorial nominee Richard Hughes, state chairman of Blacks for Reagan-Bush in 1984; statewide director of the urban coalition of the Bill Lucas for Governor Committee in 1986; a Michigan leader of New York Congressman Jack Kemp's 1988 bid for the presidential nomination; and President George H.W. Bush's designee as deputy chairman of the 1992 Republican National Convention."

Excerpt from the Detroit News Archives
January 2, 2005



Butler, a former member of the

Republican State Committee, gets

high marks in the party for his

efforts on behalf of statewide

candidates and for being an

articulate communicator on

state and national issues.



Saul Anuzis, Lansing Businessman
The Detroit News, January 2, 2005